

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DENNIS DERISE CORBRAY,

Petitioner,

v.

JASON BENNETT,

Respondent.

CASE NO. C24-5459-JCC

ORDER

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Grady L. Leupold, United States Magistrate Judge (Dkt. No. 6). Judge Leupold recommends the Court dismiss Dennis Corbray’s habeas petition brought pursuant to 28 U.S.C. § 2254. (*Id.* at 3.) Having thoroughly considered the relevant record, the Court ADOPTS the R&R, DISMISSES the petition, and DENIES a certificate of appealability.

According to the R&R, Mr. Corbray has filed four prior federal habeas petitions challenging the same Pierce County Superior Court judgment and sentence as in the instant petition. (*Id.* at 2.) The Court denied his initial federal habeas action on the merits, rendering the instant petition a second or successive one. (*Id.*) (citing *Corbray v. Carter*, Case No. C06-5043-RJB, Dkt. Nos. 22, 24 (W.D. Wash. 2009)). And this Court lacks jurisdiction to consider a successive petition until the Ninth Circuit Court of Appeals authorizes its filing. *See* 28 U.S.C. § 2244(b)(3)(A). Because Mr. Corbray provides no evidence that the Ninth Circuit has

1 authorized this filing, this Court lacks jurisdiction over the petition.

2 The Court, therefore, ADOPTS the R&R (Dkt. No. 6), DISMISSES Mr. Corbray's
3 § 2254 petition, DENIES a certificate of appealability, DENIES all motions submitted by Mr.
4 Corbray in conjunction with this petition as moot (Dkt. Nos. 1-3, 1-4, 1-5, 1-6, 7), and DIRECTS
5 the Clerk to send copies of this order to Mr. Corbray and Judge Leupold.

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7 DATED this 18th day of July 2024.

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11 John C. Coughenour
12 UNITED STATES DISTRICT JUDGE
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